

CITY OF ST. AUGUSTINE

Planning and Zoning Board Meeting
November 4, 2008

The Planning and Zoning Board Meeting met in a formal session Tuesday, November 4, 2008 at 2:00 p.m. in the Alcazar Room at City Hall. The meeting was called to order by Deltra L. Long, Chairperson and the following were present:

Roll Call:

Deltra L. Long, Chairperson
Carl Blow
Grant Misterly
Bill Leary
David Toner
James McCune

Absent: John Valdes, Vice Chairperson

City Staff: Mark Knight, Director, Planning & Building Department
David Birchim, Planning Manager
Robin Upchurch, Assistant City Attorney
Carly Mason, Recording Secretary

2. Approval of Minutes

The minutes of the October 7, 2008 Regular PZB meeting were approved as presented.

3. Exception

3. (a) 2008-0024 – Joseph Homann - Applicant
Scooter Pro, LLC
Philip Martocci- Owner
551 Anastasia Boulevard¹

To allow scooter rental, sales and repairs.

Mr. Birchim delivered the staff report and said that the case had been tabled from the April 1, June 3, July 1 and September 2, 2008 PZB meetings because of an ongoing lawsuit associated with the business.

¹ Staff report attached to original minutes

Ms. Upchurch said it was important for the board to recognize the past history of the application, and focus on the new application before them. She said the board should approach the application with a fresh mind and base their opinions on the current staff report.

James Wilson said that there had been considerable emotion expressed regarding a competitive establishment during the previous meeting, which was also operating illegally. He said the competitor applied for an exception, which was approved and based upon the exception there was a limited number of vehicles that could be stored outside. He said Scooter Pro had been operating for over a year without complaints from the neighborhood, and he felt that the business was an asset to the community. He noted that his client would not display more than 15 scooters outside. He said they would like to reach an amicable agreement with the board. He said the site had adequate parking, and all

requirements for the site had been met. He said his client was present to answer any questions.

Joseph Homann said he was trying to get the appropriate approval to operate his business, and he hoped that in the process he had demonstrated that he wanted to operate his business with a friendly repair shop. He concluded that he felt he did a good job operating a small low-key business.

Public hearing opened.

William Eagle said he was in favor of the application. He stated that he worked next door to Scooter Pro and had not noticed any problems.

Public hearing closed.

Ms. Long reported that ten certified notices had been mailed and one was returned in favor, none were opposed and one had comments.

Mr. Blow asked staff whether this should be treated as a new application, and the response was affirmative.

Ms. Upchurch stated that notice and due process had been satisfied according to the Code.

Mr. Blow asked when the last notices were mailed to the public, and the response was in April 2008; however, after each tabling of the item a sign had been posted to notify residents that lived within 150 feet of the site.

Mr. McCune expressed approval of the application and noted that the application was before them due to safety concerns; however, the business had operated for over a year without experiencing safety problems.

Mr. Toner agreed and stated that after looking over the staff report he was in favor of the application.

Mr. Misterly said he was in favor of the application; however, he would like to add a couple of conditions. He said there should be a limit of 15 scooters on display at any one time, rental of 50cc scooters only and beyond that the scooters should be kept inside.

Mr. Leary said he was in favor of the application; however, his concern was that both businesses be treated equal. He expressed concern whether the public had been properly noticed. He asked if the application was limited to scooters or included other rentals, and the response was that it did not include other rentals.

Mr. Blow expressed concern for the future. He read a copy of the order from Solano Cycles to make sure the applicant was in agreement with the conditions. He said the limitation was 50 Cubic Centimeter or less (technology that provided equivalent power). He said no motor 50cc or less would be sold, no low-speed vehicle, cars, trucks, truck trailers, semi-trailers, recreational vehicles, or other vehicles unrelated to land powered sports shall be sold. He noted that repairs had to be made in a fully enclosed area, and asked if the applicant agreed with the language in the text, and the response was affirmative. He listed the maximum numbers as follows.

- No more than 50 vehicles on site at any time for repair, rental, or sale
- No more than 10 Three wheeled vehicles
- No more than 10 low-speed vehicles for sale
- No more than 20 motorcycles for sale or repair
- No more than 15 vehicles to be on display outside

- No outdoor display of motorcycles with a displacement of 50cc or more

Mr. Leary questioned where training for rental scooters would take place, and the response was on the southside and in front of the building.

Mr. Homann said he would like to expand the back area of the building by paving or installing gravel to increase the training area for customers in the future, and he would also install safety netting.

Ms. Long noted that it was important not to interfere with the adjoining neighborhood when training customers.

MOTION

Mr. Blow MOVED to approve exception F2008-0024:

(A.) Permitted Activities

- Rental/lease of vehicles
- Types of vehicles that would be rented/leased by the applicant would include motor vehicles powered by motor with a displacement of 50 cubic centimeters or less
- Technology that provided equivalent power

(B.) Types of vehicles to be sold by the applicant

- Motor vehicles powered by a motor with a displacement of 50cc or less
- Technology that provided equivalent power
- Motorcycles
- Three low-speed vehicles as defined by section 320.0142 Florida Statue 2006
- Other land powered sports related vehicles

- Applicant would not be permitted to sell passenger cars, trucks, truck trailers, semi-trailers, recreational vehicles, or other vehicles not related to land powered sports

(C.) Applicant would not be allowed to repair all of the approved above mentioned vehicles, all repairs would be conducted in a fully enclosed area.

Item (2.) Maximum number of vehicles:

(a) Maximum number of motor vehicles for sale, rent, or service would be 50

(b) Maximum number of motor vehicles powered by a motor with a displacement of 50cc or less or technology that provided an equivalent power for rent would be 20

(c) Maximum number of low-speed vehicles as defined in section 320.0142 Florida Statues for sale would be 10

(d) Maximum number of motorcycles for sale and repair would be 20

(e) Maximum number of vehicles to be on outdoor display at one time would be 15 and no display of motorcycles with a displacement of 50cc or more

When business was closed all inventory must be kept inside the building

The motion was SECONDED by Mr. Mistry.

VOTE ON MOTION:

AYES: Blow, Misterly, Leary, Toner,
McCune, Long

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

Mr. Toner asked if the applicant was consistent with previous approvals for rentals, and the response was affirmative.

Mr. Leary asked staff about other businesses operating without going before the board.

Mr. Knight said there were two other businesses in the area that were in a commercial medium intensity two zoning category, which aloud for car dealerships, etc. He said because of the zoning area the other businesses were not required to apply for an exception.

Mr. Leary said that the board tried to treat the applicant the same as other competing businesses in the same situation. He said the board should possibly consider the situation as a Code Amendment for those types of business, which had a tendency to sell motor vehicles. He concluded that all applications should have the same requirements.

3 (b) 2008-0121 – Daniel Lamb –

Applicant

Daniel Lamb and Associates

George Taylor – Owner

86 Masters Drive

(Previously Tabled)

To allow a building trades contractor (painting contractor) as a permissible use by exception.

Mr. Birchim delivered the staff report and said that staff found the board could approve the use by exception to allow a painting contractor without using outside storage at the location if the board determined that there were no negative

impacts to surrounding properties from this use.

Exparte Communication

All board members received a letter from Allen Jensen, Attorney, Jacksonville Beach, representing Mr. Taylor, a letter from Leanna Freeman who was representing Ms. Taylor and a copy of a consent order on equitable distribution of real property and related debts.

Ms. Long asked if the applicants would like to add to Mr. Birchim's comments.

Dan Lamb said he was withdrawing his application, and he commented that Ms. Taylor would continue operating the business.

Mr. Knight said Ms. Taylor was currently the property owner and she chose to continue Taylor Painting, but the file had Mr. Taylor listed as the current owner. He said he spoke to Ms. Taylor about switching the applicant name to reflect that she was the applicant and owner on the current application. He said Ms. Taylor had a court order verifying that the property was hers. He said Mr. Lamb was present to authorize Ms. Taylor as the applicant.

Mr. Blow asked if the appeal period had expired, and the response was that the matter could be appealed; however, there was a five day clause that Mr. Taylor had to sign-off on, at which time the property would become Ms. Taylor's.

Mr. Leary asked if the existing use by exceptions would continue and whether it ran with the applicant, and the response was affirmative.

Ms. Long said 13 certified notices were mailed and two were returned in favor, none were opposed, and none had comments.

Public hearing opened; however, there was no response.

MOTION

Mr. Leary MOVED to approve application F2008-0121 based on the information provided. The motion was SECONDED by Mr. Blow.

VOTE ON MOTION:

AYES: Leary, Blow, Misterly, Toner, McCune, Long

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. Variance

4. (a) 2008-0130 – Bonnie Alexander Johnson Alexander Homestead Bed and Breakfast- Owner/Applicant 14 Sevilla Street²

To reduce the required rear and side yard building setbacks and eliminate a required parking space for a commercial/residential expansion.

Mr. Birchim delivered the staff report and said that the board could approve a variance for side and rear yard building setbacks and a use by exception to allow off site parking at 14 Sevilla Street based on the Board's previous finding of sufficiency with section 28-29.

Exparte Communication

Mr. Toner said he lived in the same neighborhood and had received a notice regarding the rezoning. He said he had not responded to the notice, and felt he would be able to provide an impartial vote. Mr. Misterly and Ms. Long visited the site, and Mr. Blow drove by the site.

Public hearing opened.

Richard Opozda said he was in favor of the addition to the site, as it would be an asset to the neighborhood.

Public hearing closed.

Ms. Long questioned whether the approval from April 3, 2008 required the board to go back and revisit the information or move forward with the current information.

Mr. Birchim explained that when an exception or variance was approved by the board it would have to be acted upon within one year, or it would expire. He said that during the expiration time if the applicant returned to the board, staff would make sure the Code and Statutory Codes had not changed, and no changes had been made. He said that the last time the board met they approved off-site parking for the additional room and gave the option of using the VIC garage or the Oldest Drugstore parking lot. He stated that based on the board's past action staff felt no change was necessary to the staff report.

Ms. Upchurch stated that the staff report included the minutes reflecting the evidence that was before the board, and comments by the board were included in the board's packets.

Mr. Leary asked the applicant if it was her intention to secure an off-site parking space or whether she would prefer the board waive the requirement, and she responded that she would buy a parking space in the VIC parking facility.

Mr. Misterly asked if the applicant's intentions were to remove the existing garage and rebuild, and the response was affirmative.

Mr. Misterly asked if the new garage could have a four foot offset instead of the proposed two foot offset to avoid using her neighbors' property for future work.

² Staff report attached to original minutes

Les Thomas, Architect, said he felt the two foot offset was needed, and it was indicated that a scaffold would be used in place of a ladder.

Mr. Misterly commented that conditions had been put on similar applications.

Mr. Thomas replied that making changes to the offsets would affect the owners' driveway and the drive aisle width.

Ms. Long questioned whether the tree on the southside of the garage would remain.

Mr. Thomas replied that the tree was shared between the two properties, and he was not sure if the tree would have to be removed. He added that the tree in question was a Camphor Tree with a root system that grew toward water.

Mr. Knight clarified that Camphor Trees were prohibited in the City; therefore, it would be beneficial to remove it.

Mr. Leary questioned whether moving the parking spaces on the northside would be a better option.

Mr. Thomas' response was no. He continued that he would need to get the owner's approval for a four foot offset. He said two feet could be cut off the building, or possibly shift the structure over two feet to allow more room.

Ms. Long asked if they could angle the garage, but it was not an option.

Mr. Blow said the applicant could move the structure back two feet; however, relief would be needed for the parking spaces.

Mr. Birchim said the board would still have to provide at least six inches of relief for each parking space.

Mr. Misterly asked if the applicant could shift his process two feet to the north, and the

response was no, as the area was heavily landscaped.

MOTION

Mr. Misterly MOVED to approve variance F2008-0130 with the building being shifted two feet to the north allowing a four foot setback from the property line. The motion was SECONDED by Ms. Long.

VOTE ON MOTION:

AYES: Misterly, Long, Blow, Leary, Toner, McCune

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (b) 2008-0132 – Coenraad van Rensburg - Applicant
Denson Kelly McLain etux - Owner
5 Locust Street³

To re-approve a variance to encroach into the required side yard building setbacks for an art studio.

Mr. Birchim delivered the staff report and said that based on a review of section 28-29, staff found the board could approve a variance to encroach into the required side yard setbacks for an art studio/workshop at 7 Locust Street, without the support of evidence to the contrary.

Ms. Long reported that 22 certified notices were mailed and six were returned in favor, two were opposed and four had comments.

Exparte Communication

Mr. Misterly and Ms. Long reported that they visited the site and Mr. Blow said he drove by the site.

Public hearing opened; however, there was no response.

³ Staff report attached to original minutes

Ms. Long said that when she visited the site she thought the existing building would be residential. She said there had been no conversation regarding a balcony being built on the north and west side of the structure.

Mr. Van Rensburg replied that he would like to add a balcony on the northside of the structure. He said the structure would consist of a small studio with a balcony on the northside and the downstairs would be used for storage, and a half bath would be installed.

Mr. Blow asked if the Firestone building was built on the property line and whether the proposed gutters would spill onto the Firestone building.

Mr. Rensburg said there was a one foot space between the Firestone Building and the structure in question, and the gutters would run along side the driveway.

Ms. Long noted that the proposed structure would be used as an art studio. She asked what would happen if the applicant used it for commercial purposes. She noted that she lived close by and the streets were narrow causing people to use on-street parking.

Mr. Birchim explained that the site could not be used as a commercial site unless the property owner followed the proper procedures for permitting.

Mr. Misterly said he was concerned about the building being so close to the property line.

Mr. Rensburg said the first floor was concrete block and had two windows that would be boarded up. He added that the waterway could be accessed from the side of the building with Firestone's approval.

Mr. Misterly asked if the existing slab was original, and the response was affirmative.

Mr. Rensburg said the proposed slab would be poured over the existing slab and would be four inches, except on the sides by the wall. He said overall the slab would be 10 inches thick with additional steel inside.

Mr. Leary said the application was different from the previous one because the lot was narrow making any opportunity to move away from the property line unavailable, and the fact that the neighboring property was allowed to built on the property line.

MOTION

Mr. Leary MOVED to approve application F2008-0132 based on information provided. The motion was SECONDED by Mr. Toner.

VOTE ON MOTION:

AYES: Leary, Toner, Misterly, Blow, McCune, Long

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

4. (c) 2008-0133 – NTCH - Applicant
MAM Holdings LLC – Owner
20 Louise Street⁴

To exceed the maximum height limitation for a telecommunications tower.

Mr. Birchim delivered the staff report and said that based on a review of section 28-29, staff found the board could approve a variance at 20 Louise Street, without the support of evidence to the contrary.

Patrick Weisvord, Applicant, said he hosted a BBQ for the neighbors to answer any questions regarding the telecommunications tower. He said Metro PCS needed to have a tower for there telecommunications. He said when possible his company tried to find existing towers for financial reasons and the extra application process. He concluded

⁴ Staff report attached to original minutes

that the area selected backed up to the FEC railway system.

Exparte Communication:

Mr. Blow and Mr. Misterly reported that they drove by the site and read a letter from the record regarding the item.

Public hearing opened.

Hannah Larosa said the property in question was north of her property line. She said St. Johns Food were the owners of the property and kept the property well maintained. She stated that she was not in favor of the application because of health issues. She concluded that she had lived in the neighborhood for over 50 years.

Mr. Leary questioned whether the cell tower would adversely affect other properties nearby and asked if there was anything different or unique about the property and the response was that most of homes were single family and felt that the full potential of the homes would be reduced by adding a cell tower to the neighborhood.

Michael Vedletter said he owned a home on Vedder Street. He said he was not in favor of the application, because the installation of the tower would only be beneficial for the landowners and the cell tower companies. He said he researched cell towers and found them to be hazardous to people's health. He questioned the lifespan of the towers, and whether taxpayers would be responsible for the maintenance and removal of the towers.

Mr. Leary asked if there was anything that distinguished the property from the neighborhood, and the response was no.

Mr. Blow said that from Wernick Lumber south on Louise Street there were buildings backed up to the railroad, and he asked if they were all residential, and the response was affirmative.

Ms. Long said a previous application on Blance Lane was similar to the application regarding rezoning. She suggested that staff and the board look into the zoning.

Connie Hanson said cell tower studies were expensive, and most of the studies were completed in Europe. She said she was not in favor of the tower, as she felt it would present a health risk to the surrounding residents.

Mr. Leary questioned whether there were other potential items that would impact the neighborhood, and her response was the tower could potentially affect the market value of the homes.

Thomas Graves said he was in favor of the application, as he felt the tower would be a benefit to the county. He said he was currently renting the property across the street from the property in question, and would be purchasing the property.

Public hearing closed.

Mr. McCune suggested that the noise from the railway would be more of a concern than the cell tower.

Ms. Upchurch reminded the board to consider confident and substantial evidence. She said speakers should not give their opinions, they should provide factual statements unless they were qualified otherwise. She said hearsay would not contain the same weight as a sworn statement. She said some examples would be information read on the internet, as well as neighbor's comments and opinions.

Mr. McCune said he had some background dealing with cell tower leases, and he asked the following questions:

- Would the property be leased from St. Johns Food

- Was there a contract, and the length of the contract
- Would requisite insurance be carried and how much
- Who would be responsible for repairs
- Would other companies lease the tower

Mr. Weisvord replied that the property would be leased from St. Johns Food. He said his company would have a five year contract with ten renewable terms, and it would carry up to 10 million dollars in insurance. He stated that his company would be responsible for all repairs. He said the lots from the property in question to St. Johns Food were owned by the same person with the exception of Ms. Larosa's property.

Ms. Long reported that 13 certified notices were mailed and one was returned in favor, four were opposed, and four had comments.

Mr. Knight said a notice was presented during the meeting from a resident at 26 Vedder Street that was not in favor of the application.

Mr. Blow questioned the length of the contract and whether the property would have emergency generators.

Mr. Weisvord responded was that a five year lease option with nine, five year renewal options for a total of 50 years. He said a generator would also be installed that could include a noise reduction device. He said that upkeep could be scheduled at a time that was good for the neighbors. He concluded that the generator would run off of LP gas.

Mr. Leary asked if the property owner was present, and the response was no.

Mr. Misterly asked the applicant to expand his thoughts on trying to be a good neighbor.

Mr. Weisvord responded that holding a BBQ was a good way to get to know the neighbors and answer questions.

Ms. Long questioned whether a battery backup would be installed, and the reply was affirmative.

Mr. Blow questioned the tower located just north of the property and asked why that area was not considered as an option.

Mr. Weisvord responded that an offer was made to Verizon to replace their single carrier pole with a multiple tower; however, they refused.

Ms. Long expressed concern because the property was located in a primarily residential neighborhood.

Mr. Toner questioned the height of the tower, the distance from the cell tower to the FEC property line and the next closest location and the response was about 160 feet away and it would be a tower located to the south.

Mr. Weisvord replied that the tower would be 160 feet and the nearest location would be south about a mile and a half.

Mr. Valleta indicated that another tower was located near the San Sebastian off of State Road 16 near the marsh.

Mr. Knight clarified that the tower was located inside Pomar Park.

Mr. Toner said the applicant had approached FEC and the owner of the other tower but they refused the offers. He asked if the refusals were verbal or written, and the response was that FEC had not refused the offer; however, the timeframe presented a problem.

Mr. Leary questioned the need for the tower and the response was that based on the demand for Metro PCS phones St. Augustine had the need for another tower.

Mr. Leary questioned whether the City had experience with approving cell towers, and the response was affirmative, and examples included Fish Island Road, Pomar Park, and a tower located behind the Jimmie Wells Auto Lot.

Mr. McCune asked if the tower could be lowered, and the response was that it could be lowered to about 120 feet.

Ms. Long asked if the applicant was willing to pursue the negotiations with the FEC Railway, and the response was affirmative; however, Metro PCS launched the market area in April, and they needed a cell tower to continue their marketing.

Ms. Long suggested that tabling the item would give the applicant time to explore other options.

Mr. Misterly added that the applicant went to the FEC railway and their response was no, he come before the board to discuss other options.

Mr. Blow recommended that the applicant try to find another location or speak with the FEC railway regarding an alternative location.

Ms. Long asked the applicant if he was willing to explore the option of tabling the item.

Mr. Weisvord said he was receptive to tabling the item and returning with other options, and to see whether it was possible to make a deal with FEC.

MOTION

Mr. Blow MOVED to TABLE variance F2008-0133 until December 2, 2008 PZB Meeting. The motion was SECONDED by Ms. Long and carried by a unanimous voice vote.

VOTE ON MOTION:

MOTION CARRIED UNANIMOUSLY

5. Exception/Variance

5. (a) 2008-0124 – Ramona Johnson – Owner/Applicant 41 San Marco Avenue⁵

To allow a variance to eliminate the parking requirements for all future commercial uses or to allow off site parking at the VIC parking garage as a permissible use by exception.

Mr. Birchim delivered the staff report and said that based on a review of section 28-29, staff found the board could approve either a variance to eliminate parking at 41 San Marco Avenue for future commercial uses or a use by exception to allow parking at the Visitor's Information Center (to run with the land), without the support of evidence to the contrary.

Exparte Communication:

Mr. Blow, Ms. Long, and Mr. Misterly reported that they drove by the site.

Ms. Long said 22 certified notices were mailed and two were returned in favor, five were opposed, and four had comments.

Ms. Long said the applicant would like to obtain an exception for her patrons to park in the VIC parking center.

Ramona Johnson, Applicant, said the building had been empty for two years, and she had problems selling the building due to the parking situation. She stated that she would like to obtain approval for an exception to use as a marketing tool for the next owner.

Public hearing opened.

⁵ Staff report attached to original minutes

Laura Puckett said she was in favor of the application. She said she was a business owner and had applied for the same type of variance, which had worked out well for her.

Mr. Misterly asked staff if the variance involved leasing parking spaces from the VIC garage, and the response was affirmative.

Mr. Misterly asked if there was any difference in the zoning between Ms. Puckett and the applicant, and the response was no; however, the application for offsite parking would be a use by exception not a variance.

Mr. Toner asked staff if the type of business determined the number of parking spaces, and the response was affirmative.

Mr. Birchim said the business would enter into a lease agreement with the City for the parking spaces. He said the business would need to lease the parking spaces before a business permit would be issued. He said if the lease lapsed the business would have to go back to the Planning and Building department under a different procedure.

Mr. Misterly said a variance could be issued if the board found some sort of hardship or an exception could be issued requiring them to obtain off-site parking within a 400 foot radius.

Mr. Leary suggested that the Code be reviewed. He said he was not in favor of granting the variance because others would expect the same; however, granting the exception would provide relief for the owner. He said he was not keen on imposing a parking fee, because the spaces would be occupied by visitors and suggested granting an exception without imposing a fee.

Public hearing closed.

Ms. Upchurch said the funding of the garage could have some limitations on what the City could or could not do as far as waiving the fees or giving away spaces, but the board could make suggestions for the spaces.

Mr. McCune questioned the fees for the garage and whether the board would have to provide a price for the applicant.

Mr. Knight replied that the fee for the garage varied depending on special events or large users. He said a typical fee would be \$30 a month per space. He said the board could make a recommendation; however, the City Commission would make the final decision.

Mr. Blow said it would be consistent for the board to treat the application the same as Ms. Puckett's approved application.

Mr. Misterly said he would like to see the Parking Committee possibly look at an Uptown San Marco business district. He said he felt it would be beneficial for the City. He suggested using a residential decal system for the Abbott Tract area to protect the neighborhood.

MOTION

Mr. Blow moved to grant an exception for application F2008-0124 on the basis that once the applicant identified a use that she went through the Building and Zoning Department to determine the number of parking spaces required to be leased in the Visitor Information Center garage. The motion was seconded by Mr. Toner.

VOTE ON MOTION:

AYES: Blow, Toner, Misterly, Leary, McCune, Long

NAYES: NONE

MOTION CARRIED UNANIMOUSLY⁶

⁶ Break from 4:30 p.m. to 4:43 p.m.

6. Rezoning

**6. (a) 2008-0135 – Don Crichlow,
Architect –Applicant
Edrich Development, Inc. – Owner
100 St. George Street⁷**

To amend the Planned Unit Development to allow relocation of an elevator, construction of a staircase and relocation of an outdoor cooler.

Mr. Birchim delivered the staff report and said the Planning and Zoning Board was responsible for making formal recommendations to the City Commission concerning PUD amendments. Staff would not make recommendations concerning zoning changes.

Don Crichlow said a modification was made to the PUD ordinance, which had to go before the board. He said the modification had already been approved through HARB for the removal of two elevators and placing the one elevator at the center of the building. He explained that the fire exit door would be located on Hypolita Street, and the door would replace a window.

Exparte Communication:

Mr. Misterly and Mr. Blow reported that they spoke with Mr. Crichlow, and Ms. Long stated that she visited the site.

Public hearing opened; however, there was no response.

Ms. Long reported that 19 certified notices were mailed and one was returned in favor.

Ms. Long questioned whether the Bubble Room would remain in the building and the response was affirmative that construction would be starting soon.

⁷ Staff report attached to original minutes

Mr. Crichlow asked to what degree would a modification to the PUD need to return to the PZB board for approval.

Mr. Knight replied that modifications made to the site development plan would require the applicant to return for the board's approval. He said the architectural feature of changing a window to a door would be acceptable as long as the intent was not changed.

Mr. Leary said the City Commission would not need to adopt an ordinance; however, it would still require a vote.

Mr. Crichlow said that ordinances were passed for a reason, and unfortunately they did not always cover all of the information needed. He said that was the purpose for having other boards.

MOTION

Mr. Misterly made a recommendation to the City Commission approval of minor modifications to the PUD F2008-0135. The motion was seconded by Mr. Toner.

VOTE ON MOTION:

AYES: Misterly, Toner, Blow, Leary, McCune, Long

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

**6. (b) 2008-0134 – St. Johns County
Council on Aging, Inc. –Applicant
St. Johns County – Owner
180 Marine Street⁸**

To amend the Planned Unit Development for construction of a new community gathering hall.

Mr. Birchim delivered the staff report and said the Planning and Zoning Board was responsible for making formal recommendations to the City Commission

⁸ Staff report attached to original minutes

concerning PUD amendments. Staff would not make recommendations concerning zoning changes.

Experte Communication:

Mr. Blow and Mr. Misterly reported that they drove by the site, Ms. Long said she was familiar with the site, and Mr. Blow noted that he had a brief conversation with Cathy Brown.

Gerry Dixon said the old health department building located at the end of Marine Street had a 99-year nonprofit lease from the County. He said the PUD covered both properties; however, they were not connected. He indicated that the existing building would be demolished and rebuilt to look like a Serenata for the seniors. He said the building would be open Monday – Friday from 8:00 a.m. to 5:00 p.m. He said the building would also be used for weddings, meetings, and as a ballroom. He indicated that the property line was smaller than the original documentation, which would require shared parking. He said he obtained a letter from the County and would be receiving a letter from the Samantha Wilson group authorizing the shared parking, which he would present to the City Commission. He indicated that one of the buildings would be a daycare for Alzheimer patients Monday – Friday from 8:00 a.m. to 5:00 p.m.

Cathy Brown stated that the Council on Aging operated the only licensed daycare treatment for Alzheimer or dementia patients. She said they decided to add on to allow them to accept additional patients. She noted that the property was located on the Matanzas River and would look like a Flagler era mansion. She said she was pleased with the concept that Gerry Dixon and Mike Davis had developed for the site. She concluded that the Council on Aging intended to continue fund raising to diminish the amount borrowed for the building.

Ms. Long reported that 69 certified notices were mailed and eight were returned in favor, three were opposed, and four had comments.

Public hearing opened; however, there was no response.

Ms. Brown said traffic would be a minor issue considering that patients would be transported by bus.

Mr. Dixon said the traffic situation indicated in the certified notices was on private property. He said sidewalks would be installed internally to tie in the parking. He said his intent was to modify the language in the PUD. He said he added a bulkhead, a gazebo, and a dock. He said he was talking about the verbiage of the concept not the detail.

Mr. Leary asked if the bulkhead had been included in the document, and the response was no.

Mr. Blow said he was in favor of the dock. He said when people get older they need stimulation and felt the dock would help.

Mr. Knight said the board could make a recommendation that there be a future consideration for a dock and be sent to the City Commission.

MOTION

Mr. Toner moved to approve item F2008-0134 with recommendation that language be added to the ordinance that required a future dock to come back for permitting before the Planning and Zoning board as a Conservation Zone development approval. The motion was seconded by Ms. Long.

VOTE ON MOTION:

AYES: Toner, Long, Misterly, Blow,
Leary, McCune

NAYES: NONE

MOTION CARRIED UNANIMOUSLY

7. Other Business

Ms. Long welcomed both James McCune and David Toner as new members to the Planning and Zoning board.

8. (a) Election of Chairman and Vice Chairman

Mr. Leary complimented Ms. Long on her terrific job as chairperson for the PZB. He said it had been the tradition of the PZB board that they rotate the chair based on seniority. He said if they stayed with tradition Mr. Valdes would become the chair and Mr. Blow would be the Vice Chair. Election of Chair and Vice Chair was approved by a unanimous voice vote.

9. Conflict of Interest Statements

(NONE)

10. Appeals

(NONE)

11. Adjournment

Having had no further business, Ms. Long adjourned the meeting at 5:59 P.M.⁹

Deltra L. Long, Chairperson

⁹ Transcribed by Carly Mason